

1 HONORABLE RICHARD A. JONES  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 LARRY GENE HEGGEM, et al.,

11 Plaintiff,

12 v.

13 WILLIAM STEFFENER, et al.,

Defendants.

14 CASE NO. C07-1143RAJ-MAT  
15 ORDER

## I. INTRODUCTION

16 This matter comes before the court on review of Magistrate Judge Mary Alice  
17 Theiler's Report and Recommendation ("R&R") (Dkt. # 77). The court has reviewed the  
18 R&R, Plaintiff's objection to the R&R, Plaintiff's motion to amend his complaint filed  
19 after the R&R (Dkt. # 79), and the balance of the record in this action. For the reasons  
20 stated below, the court adopts the R&R to the extent that it has not been mooted by  
21 events subsequent to its filing, DENIES Plaintiff's motion to amend (Dkt. # 79), and  
22 directs the clerk to enter judgment DISMISSING this action.

## II. BACKGROUND & DISCUSSION

23 Plaintiff Larry Gene Heggem filed this 42 U.S.C. § 1983 action against three  
24 Defendants: Helene Blume and Janice Ellis, both prosecuting attorneys for Snohomish  
25 County, Washington; and William Steffener, who was Mr. Heggem's public defender.  
26 Mr. Heggem later amended his complaint to add claims against Kenneth Quinn, the  
27 superintendent at a correctional facility at which Mr. Quinn either is or was incarcerated.  
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The court initially declined to serve the complaint, noting numerous facial legal deficiencies, including the absolute immunity generally afforded to prosecuting attorneys. Mr. Heggem then withdrew his claims against Ms. Blume, citing her absolute immunity from suit. (Dkt. # 27). Mr. Heggem later voluntarily dismissed his claims against Ms. Ellis, citing her absolute immunity from suit. (Dkt. # 41). After Judge Theiler entered the instant R&R, Mr. Heggem stipulated to dismissing his claims against Mr. Steffener. (Dkt. # 87). In his objections to the R&R, Mr. Heggem noted that he had no objection to Judge Theiler's recommendation that his claims against Mr. Quinn be dismissed.

In light of these developments, only two matters remain for consideration. First, Judge Theiler recommends that Mr. Heggem's motion for preliminary injunction be denied. The court adopts that recommendation in its entirety.

Second, Mr. Heggen moves to amend his complaint to reassert his claims against Ms. Blume. His motion came after the entry of the R&R, and he offers no explanation of why he wishes to reassert his claims against Ms. Blume. He fails to explain why he has retracted his admission that absolute immunity protects Ms. Blume. Under these circumstances, no amendment of the complaint is appropriate.

### III. CONCLUSION

For the reasons stated above, the court adopts the R&R to the extent that it has not been mooted by events subsequent to its entry. The court DENIES Mr. Heggem's motion to amend (Dkt. # 79). The court directs the clerk to enter judgment DISMISSING this action.

DATED this 11th day of August, 2008.

*Richard A. Jones*  
The Honorable Richard A. Jones  
United States District Judge

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